

THE RELATION OF THE CANADIAN CONSTITUTION TO THE
CONSTITUTIONS OF GREAT BRITAIN AND THE
UNITED STATES.*

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PROF. DICEY, of Oxford, in his recently published and most valuable work, "Lectures Introductory to the Study of the Law of the Constitution," (p. 152) makes the following remarks :

Turn for a moment to the Canadian Dominion. The preamble to the British North America Act, 1867, asserts with official mendacity that the Provinces of the present Dominion have expressed their desire to be united into one Dominion, "with a Constitution similar in principle to that of the United Kingdom." If preambles were intended to express the truth, for the word "Kingdom" ought to have been substituted "States"; since it is clear that the Constitution of the Dominion is modelled on that of the Union.

As a matter of historical fact, it is well known that the framers of the Canadian Constitution took the Constitution of the United States as their model in dealing with some very important aspects of their work, such as the distribution of legislative powers between the Federal and the Provincial Parliaments. This can be easily established by citations from the published debates on the question of Confederation in the old Canadian Parliament, and from a comparison between the two documents themselves. The distribution of powers is not identical in the two instruments, but a glance will show that it is similar, and we learn from the "Debates," that where there are differences these were introduced with a view to avoiding defects which the Canadian statesmen thought they were able to discern in the United States Constitution. The Quebec Conference, at which the Canadian Constitution in its main features was elaborated, was held during the American secession war, and as that war seemed to be due, to some extent at least, to

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